

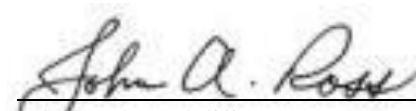
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

STEPHEN KENNEDY, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )         No. 4:13-CV-2236 JAR  
                        )  
GISH, SHERWOOD & FRIENDS, INC., )  
                        )  
Defendant.           )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff Stephen Kennedy's Motion to Bar the Testimony of Scott Brooks. (Doc. No. 160) Defendant Gish, Sherwood & Friends, Inc. disclosed Mr. Brooks as a potential witness on June 26, 2015, four days prior to the deadline for completion of discovery. Because the parties have agreed that Kennedy may depose Mr. Brooks if he is going to be called as a witness at trial,

**IT IS HEREBY ORDERED** that Plaintiff Stephen Kennedy's Motion to Bar the Testimony of Scott Brooks [160] is **DENIED** as moot.

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**JOHN A. ROSS**  
**UNITED STATES DISTRICT JUDGE**

Dated this 5<sup>th</sup> day of November, 2015.